

A FRAME FOR CHANGE

How to use the law and communications to create social change

Campaigns that Changed the Law

- Still a child at Seventeen part 1 (2013)
- Still a child at Seventeen part 2 (2014)
- Let us Learn (2015)
- Joint Enterprise (2016)



#nochildincells

<http://www.justforkidslaw.org/nochildincells>

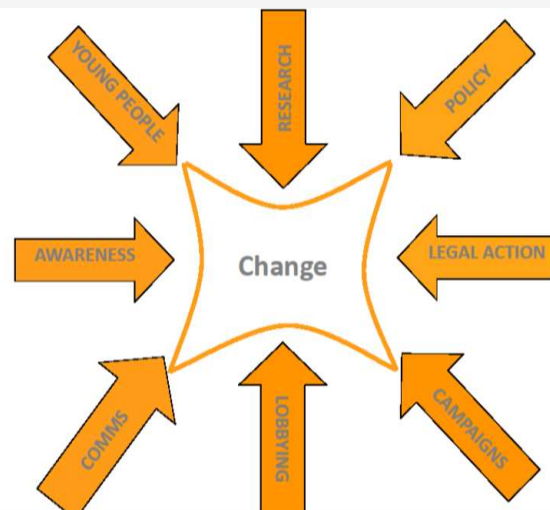
- From the age of 10 any child can be held in a police cell.

- 800 children a week are held overnight in police cells, many for minor offences.

- The law is clear children should not be kept in cells overnight. But we know it still happens, all the time.

- We think putting children in cells should only ever be used as a last resort.

*Just for Kids Law
internal
frame for
change*



Tools-

1. Technology

- Social Change in the 21st Century can use very different methods than 20th Century social change.
- The use of technology has fundamentally changed the role of the individual's involvement in social activism
- And social change models and can put pressure on govt in a way that could not have been conceived of 30 years ago
 - Think 38 degrees/Avaaz/change.org (38 degrees funding model)
 - Black Lives Matter started with a hashtag
 - Online petitions (increase in Reprieve's database from 6000-60000 by internal petitions and therefore small donations increased)
 - Adjust your Set video in #nochildincells campaign

Tools

2. Communica tions

- effective planning and preparation in communications enables you to own the story, the language, the access.
- Communications is broad and diverse, includes how allies might differently tackle the same story.
- How to respond to your opponents position
- How you present differently to different audiences.
- How you grow support for your campaign.
 - Stories
 - Media
 - Supporters
 - Opponents
 - Key messages
 - Defensive briefings

Stories

- Everybody loves stories – you need to choose your stories carefully to garner sympathy and protect it from turning against you
- Marshall Ganz story of self (Obamas speech at the Democratic Conference - https://en.wikipedia.org/wiki/2004_Democratic_National_Convention_keynote_address#Speech)
- <https://www.youtube.com/watch?v=eWynt87PaJo>
- Choose your protagonists carefully – example Kesia’s law (Matt and Martina <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/victory-grieving-families-kesias-law-10362943>)
- Prepare them well for telling their stories- example Let Us Learn <https://www.youtube.com/watch?v=LiHS6mxgHT4>
- Protect them from the questions that could turn against them.

Media

- Media loves conflict so if combined with litigation likely that the story will be picked up (Kesia’s law/Hughes <http://www.bbc.co.uk/news/uk-22294098>)
- Media takes many different formats now
- Find /build allies in the media
- Make a plan of who these are
- Media training
- Create a consistent briefing for people to approach media
- Prepare a defensive briefing to help people turn around oppositional questions (let us learn)
- Press Release – can go on website as well as send out to journalists
- Consider specialist press

Tool 3- Awareness

- There needs to be buy in from all the relevant constituent groups
- Change cannot just happen with legislation – needs relevant interested groups to be a part of the movement to ensure it is embedded (example honor killing, fgm and footbinding)
- http://www.nytimes.com/2010/10/24/magazine/24FOB-Footbinding-t.html?_r=0 How a thousand-year-old practice essentially vanished in a single generation.
- Timing also important, a society that had long regarded Westerners with contempt had to accept that these foreigners First, begin with a dialogue of mutual respect, free of self-congratulation. Second, when you have a core of converts, organize a program of public commitment to new practices, which takes into account the traditions of the community.

Tool 4- The Law

- Drafting the legislation/rules/policy/regulation is a method commonly used by Civil Society
- Make sure you understand the legislative/political process. If you are not familiar with it find an ally or a guide.
- Litigation as a part of the Law however is not always coordinated into a part social change movements
- Atlantic Philanthropy- <http://www.atlanticphilanthropies.org/sites/default/files/uploads/Public-interest-litigation-and-social-change-in-South-Africa.pdf>
- Lawyers – even public interest lawyers - often don't work in conjunction with social change organisations.
- Social change organisations often afraid of litigation.
- More successful if they work together. How to build that trust and how to build coalitions?

Litigation

- Many individuals and organisations are afraid of litigation and that is understandable. The law is often impenetrable to those who are outside it, the cost risks can be frightening
- But litigation can be the most immediate and impactful campaigning tool
- Build a legal team that you trust and again unlikely partnerships (see case against 8 https://en.wikipedia.org/wiki/The_Case_Against_8)
- Sometimes it is ok to lose the case – the change may still happen; the courts can be the most conservative strand of society may not be ready for change yet but losing a case can make the public outraged. Courts can make useful comments
- Steps to change (Atlantic Philanthropy) persist with your aim- may get there in a different social climate (juvenile death penalty)

Different Forms that Litigation Can Take

- Bring a case
 - Costs protection
 - Crowd source fundraising
 - Pro bono legal representation
 - Legal Aid
- Intervene
 - Allows you not be a party
 - Broadens the scope from the facts of the specific case (examples Tigere, Jogee, Crisis, Roper v Simmonds)
 - Partner intervention if helpful (Davies)
- Provide Evidence
 - Least risk but little ownership or control (prison reform trust in intermediary case)
 - Use experts/research/reports – these can often be submitted and remain unchallenged (Jogee)

Steps of Litigation

- Choosing the right case, the wrong facts can make “bad law” – eg. BG ; JC and RT
- Choosing whether legal action will assist
- Finding the client
- Threat of litigation can achieve results – (Islington’s review, judicial college).
- Gather evidence of systemic problems, research, witness statements from other organisations, academics; examples in other jurisdictions
- Consider media around the case itself

Our Cases

OP v Secretary of State for Justice & Others [2014] EWHC 1944 (Admin)

JC, RT v Central Criminal Court [2014] EWHC (1041)

HC v Secretary of State for the Home Department & Commissioner of Police for the Metropolis [2013] EWHC 982 (Admin)

Dixon v R [2013] EWCA Crim 465

W & Ors, R (on the application of) v The Brent Youth Court [2006] EWHC 95 (Admin)

TP, R (on the application of) v West London Youth Court & Ors [2005] EWHC 2583 (Admin)

S, R (on the application of) v Waltham Forest Youth Court & Ors [2004] EWHC 715 (Admin)

Jogee and Ruddock v The Queen (Jamaica) [2016] UKSC 8 (18 February 2016)

Davies v Merseyside Police & Anor [2015] EWCA Civ 114

Tigere, R (on the application of) v Secretary of State for Business, Innovation and Skills [2015] UKSC 57

G, R (on the application of) v Chief Constable of Surrey Police & Ors [2016] EWHC 295 (Admin)

Tool 5 – Coalitions

- This makes campaigns more compelling
- If you can bring in people who want the same outcome as you but come from a different place in the social spectrum it can help increase
 - reach
 - impact
 - The story
- Examples are the gay movement in the miners strike, the bma with prison reform trust
- Can use a partner organization to do the lobbying (good cop/bad cop) if you are involved in the litigation then you are often perceived as too adversarial (eg meeting with the home office on strip search where they brought their lawyers)
- Will need a good briefing so that messages are consistent (language can change for different audiences but consistent messaging is important)

Tool 6: Policy and Lobbying

- Lobbying can have greater impact when combined with litigation
- Lobbying can have greater effect when combined with public support (petitions)
- International lobbying can then impact on national lobbying

Tool 7: Public Support

- Does support come from your key supporters or from another contingent?
- Consider petitions – have a wide reach. (Change.org Still a Child at Seventeen)
- Public Focus Groups (expensive but really useful to gauge public position to your campaign – Flamingo, America's Voice)
- Celebrity support can help can public support (Joanna Lumley with the Gurkhas)